

Police &c. g.

OBSERVATIONS

ON THE

B I L L S

For amending and rendering more effectual the
LAWS relative to HOUSES of CORRECTION :

For the better RELIEF and EMPLOYMENT of the
POOR : And

For amending and rendering more effectual the
LAWS relative to ROGUES, VAGABONDS, BEGGARS,
and other Idle and Disorderly Persons.

W I T H

A TABLE annexed, for the Direction of the several Officers
and Persons to adjust and pass their Accounts, under the
Direction of the Act, in the easiest and most concise Manner.

L O N D O N :

Printed for G. WILKIE, No. 71, St. Paul's Church Yard,

M DCC LXXXII.

To the Reader.

HAVING, the last Year, published my Thoughts upon these Three Bills, of the greatest national Importance, and having been encouraged by the favourable Reception which that small Pamphlet found, in all Parts of the Kingdom, to prosecute the Plan, I accordingly presented the Three Bills to the House, which were afterwards read a First and Second Time, without the least Opposition. They have since also been very fully examined and discussed in Committees, attended by Members from every Part of the Kingdom, from whose Suggestions, Alterations, and Additions, now inserted in the several Parts of the Bills, they have received considerable Amendments.

Every Member who attended the Committee saw the infinite Importance of the Matter, and most generously offered his Assistance to adapt the Bills to the Circumstances and Situation of every Part of this Country. Whenever a Difference of Opinion arose in the Committee, each Member expressed his Sentiments with the utmost Candour; and, after the general Sense of the Committee was collected, the Clause under Consideration was postponed, in order to have it amended, if the Amendments were not very numerous; or, if they were, to have it withdrawn, and a new Clause proposed, which might better answer the Purposes of the Public, and be most agreeable to the Sentiments and Wishes of the Committee. These Amendments, or new Clauses when found necessary, were afterwards produced, examined, and approved by the Committee, and received into the Bill.

In this Manner, and by these Means, have the Three Bills gone through the Committees, without a single Division.

They have since been reported to the House, and ordered to be reprinted with the Amendments.

A larger Number than usual have been printed, in order to circulate them amongst the Magistrates, and others who may be disposed to consider them, and suggest any Amendments which may be further necessary, before they pass the House of Commons.

It is therefore proposed to move the House, as soon as possible after the Adjournment for *Easter* Holidays, to have the Bills re-committed, that the Errors and Defects which may be discovered (and of which, from my own more accurate Observation, I acknowledge there were many) may be corrected; and that these Bills, upon which so much of the Peace, Order, and good Government in the Police of this Country depends, may go as perfect to the House of Lords as they can be made.

Observations upon the House of Correction Bill.

THIS Bill has taken the Lead in the several Stages through which it has passed, and I here therefore give it the First Place, because I think it a necessary Foundation for the other Two.

It has been Matter of very sincere Concern to me, when an Offender has been brought before me as a Magistrate, whose Punishment, by the Appointment of the Law, as it now stands, required his Commitment to the House of Correction; numberless Instances have conduced to convince me of the mischievous Consequences attending such Commitments. The almost total Want of all the Means of Employment; the Remissness, or entire Omission, I might say, of Correction; the indiscriminate Intercourse between the merely Idle, and utterly Abandoned; the Associations naturally formed thereby; and the almost necessary Communication of wicked Principles and Resolutions, whereby the most complete Villain becomes strengthened and confirmed, and the Beginner is both qualified for, and encouraged in, every lawless Enterprize. Such are the obvious Reasons against the Execution of the present Powers delegated to Magistrates, which I must own have frequently embarrassed me, and which, I make no doubt, have appeared to other Magistrates under the same Circumstances of Inconvenience.

In many Houses of Correction they want necessary Buildings, and the Means of employing their Prisoners, which, it is hoped, will be provided under the express Direction of this Act, as the Justices will not only find it a Matter of Duty, positively required by the Legislature, but will also feel it most necessary to establish Peace and good Government, and to enforce Obedience to their own Orders within their respective Jurisdictions.

The Introduction of proper Employment into these several Prisons, will contribute very much to the salutary Effects of this Bill; and I propose, before it has finished its Course through the House of Commons, to add, as an Appendix, a List of the different Sorts of Employment which may be proper to be carried on there, with Directions for the Introduction and Establishment of them, upon such a Plan as may be most useful; and also Estimates of the prime Cost of the Utensils, Tools, and Materials, necessary for carrying on such Business, and the probable Earnings of each Person who shall be employed; and also to point out suitable Encouragement to the most industrious, by Rewards properly adapted; and I shall, with great Pleasure, receive from any benevolent and well-disposed Persons, conversant in those Matters, any Information or Plans which they will be pleased to offer.

Observations upon the Poor Bill.

THE Principles of all the Poor Laws are, to employ the Poor who are able to work, and to give Relief to the Impotent, by an equal Tax upon the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments.

There are Two grand Causes of the present enormous Expences attending the Poor; viz. 1st, By suffering them to live in Habits of Idleness. 2d, By the Ignorance and Profusion of Parish Officers; to which may be sometimes added, selfish Motives and unjust Advantages secured to themselves and their Friends, in the Application of the Parish Money.

The great Objects of this Bill are, to make better Provisions for the Poor, at much less Expence to the Parishes; and the Measures proposed for that Purpose are, not by altering the Principles of the present Laws in any Degree, but by enforcing them—by rendering them more practicable and salutary; and by correcting many evil Customs and Abuses, which have been gradually introduced since the First Establishment of Poor Rates, about 180 Years ago.

For this Purpose it has been thought necessary to give Encouragement to Work-Houses, or Poor Houses, for the better Employment of such as are not able to earn sufficient to maintain themselves; but not upon such a Plan as to compel all Persons, under that Description, to be sent thither, leaving it to the Discretion of Persons respectable in Character and Fortune, to determine who are, or are not, fit Objects for such Houses.

I do not wish to see large and magnificent Buildings provided for this Purpose, or to have a great Number of Persons collected together in any one of them; therefore, if a Parish, or even a Township, which maintains its own Poor, is large and populous, having, upon an Average, not less than eighty or an hundred Persons fit to be sent to the Poor House; I think it will be much better for such a Place not to be united with any other (as there will be sufficient Employment for a Governor); but where there are a Number of small Parishes, or Townships, lying near each other, I think the uniting them for the Purposes of this Act, will be a mutual Advantage:—The Expences of a good Governor, which is essentially necessary, will be too great for a small Parish or Township; but when several of those are united, it will make it easy. I apprehend, Parishes, for their own Convenience, will not agree to unite, when they lie at a great Distance from each other; it may be difficult, however, to draw any certain Line with respect to this,

this, as in some Parts of the Kingdom they are very extensive, and have not many Inhabitants.

With respect to the Buildings, as Economy is the great Object in every Part of the Bill, I think it will be more prudent to hire, than to purchase or erect new ones; and it seems probable, that there will not be many purchased, or entirely new-built (except in Parishes or Townships which are of Magnitude sufficient to maintain and employ their Poor, without uniting with others), as in Case of Disagreement between two or more Parishes once united, the more considerable the Sums originally advanced by them are, the greater will be the Difficulties attending their Separation, and the more Occasions of Dispute will necessarily arise.

Short Abstract of the Clauses contained in this Bill.

As great Inconveniences have been found in many Parts of the Kingdom, from farming out the Poor under Contracts for their Maintenance and Labour, by Virtue of a Clause in the Statute of 9 Geo. I. it is intended to repeal so much of the Clause as respects that Matter, and to annul all Contracts made upon it, which will have Continuance after the 25th Day of March 1783; but as it appears that Contracts of that Sort, in some Places where they have been under the Inspection of Gentlemen of the Parish, or Neighbourhood, who have paid due Attention to them, have had a very good Effect, a Power is therefore given by the Act, for the Visitor and Guardian of Parishes and Places which shall adopt the Provisions there established, to make such Contracts, if they shall think fit, for a Time not exceeding Twelve Months, under a very particular Inspection and Controul.

It is also provided by the Act, that whenever the major Part of the Owners or Occupiers of Lands, Tenements, or Hereditaments, which shall be assessed at 5l. *per Annum* to the Poor's Rates, shall at a public Meeting, to be holden in such Manner and upon such Notice, as directed by the Act, signify their Approbation of the Provisions of it by Agreement, in the Form prescribed, and shall recommend to the Consideration of the Justices Three able and discreet Persons, qualified for Guardians, and Three other fit Persons, qualified for Governors of the Poor House, and fix the Salaries to be paid to each; and shall also recommend Three other Persons qualified for Visitors, and shall procure the Approbation of Two Justices of Peace to such Agreement and Salaries, and shall
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cause the Agreement to be registered according to the Directions of the Act; every such Parish or Township shall, from that Time, be entitled to all the Benefits arising from the Act.

It is further provided, That when the like Owners or Occupiers, within any Two or more Parishes, Townships, or Places, shall think fit, with such Approbation as aforesaid, to unite for the Purposes of the Act, and shall signify their Desire so to do, at a public Meeting, to be holden in like Manner, within each of such Parishes, &c. an Agreement shall, as soon as conveniently may be, after such public Meeting, be entered into by the Guardians of the several Parishes, in the Form prescribed by the Act, which shall be entered as above; and from that Time, such Parishes, Townships, or Places, shall, in like Manner, be entitled to all the Benefits of the Act.

In order to establish these Houses, and to enforce this Plan, it has been found necessary to make, in some Degree, a new Arrangement of Officers.

The Poor, instead of being under the Care and Direction of Churchwardens and Overseers, are required, in all Parishes and Townships which shall, by Consent of the major Part of the Owners or Occupiers of Lands, Tenements, or Hereditaments, at a public Meeting held pursuant to the Act, agree to adopt the Provisions of it, shall be under the Care of a Guardian, to be appointed by Two Justices out of Three Persons to be recommended at such Meeting, which Guardian is to be allowed a Salary for his Trouble; but the Churchwardens and Overseers are to make the Poor's Rates, and collect the Money as usual, and pay to the Guardian such Money as shall be necessary for the Purposes of the Act.

They are also at the Meeting to recommend in like Manner to the Justices, Three Persons duly qualified for Governors of the Work-house, and fix the Salary; One of whom is to be appointed by the Justices.

They may also at the Meeting recommend Three Persons, respectable in Character and Fortune, to be Visitors for a single Parish or Township, where they do not unite with any other; and the Justices are to appoint One of them.

When Two or more Parishes or Townships unite, the Guardians are to recommend to the Justices Three Persons of the Description aforesaid for Visitors, who are to appoint One of them; and every Visitor is authorized to appoint an Assistant: But if no one will accept the Office of Visitor, the Guardians are to execute it by Turns, in Rotation, subject to the Controul of the Justices.

The Guardians for the United Parishes or Townships, are to recommend one of their own Body to be Treasurer, and the Justices are to appoint the Person so recommended, or any other of the Guardians.

The Duty of these several Officers is pointed out and directed by the Act.

Directions are also given in what Manner the Treasurers, and also the Churchwardens and Overseers, are to make up and pass their Accounts.

Upon Vacancies in any of those Offices, the Successors are to be recommended and appointed in like Manner.

If no Acting Justice within the Limit, those of the nearest adjoining Limit may act.

Justices may appoint special Sessions within their Limits for the Purposes of the Act.

Guardians to provide and fit up proper Houses and Buildings for the Reception and Employment of the Poor, with the Advice and Approbation of the Visitors, either by erecting new Ones, or by purchasing or renting old Ones, for such Terms and on such Conditions, as shall be specified in the said Agreement.

The Expences of erecting or purchasing Buildings to be paid by the Guardians of the Poor of each Parish or Township, in the Proportions to be settled in the Manner, and by the Persons named in the said Agreement.

Power is also provided for the Visitor and Guardian, where such Expences for any Parish or Township shall amount to £. 100, or upwards, to borrow it at Interest, and secure it by a Charge upon the Poor's Rates; the Guardians are to keep down the Interest, and gradually discharge the Principal, by Payments from Time to Time, of such Sums as can be spared, without increasing the Poor's Rates, above the Sum which they amounted to when the Poor House was first established.

The Visitors and Guardians are declared a Body Corporate, for the Purposes of taking and holding by Purchase, or Lease, any Lands, Tenements, or Hereditaments, not exceeding One Acre in a City or Town, and Twenty Acres in the Country; and of taking and holding all voluntary Grants of Lands, Tenements, or personal Property, which shall be made to them for the Use and Benefit of the Poor.

All Bodies Corporate, Trustees, Guardians, &c. are enabled to sell and convey Lands for the Purposes of this Act. [*A Clause will be necessary to be added in the Committee for the Application of the Purchase Money.*]

Poor Persons are to be maintained in the House at the general Expence of the Parishes uniting.

The Treasurer is to keep One Account of Utensils, Materials for Manufacture, Furniture, Alterations, or Repairs of Buildings,

ings, Rent of Buildings, if hired; and also of the Salaries to the Governor, Treasurer, and Servants, if any, which Account shall be kept by the Treasurer, and produced at the Meeting of the Guardians, to be held the First *Monday* in every Month, and the Proportions for each Parish settled and adjusted according to the said Agreement; and the Quota for each Parish paid by the Guardian to the Treasurer. [*It may be necessary to give a Power to the Guardians at their first Meeting, to fix any other Day in the Week for their Monthly Meeting, which they shall find more convenient.*]

The Treasurer is to keep another Account of the Victuals, Beer, Firing, and other Necessaries, for the Use and Maintenance of the Poor, and other incidental Expences, which are to be proportioned by the Guardians at their Monthly Meetings, according to the Number of Persons which shall have been sent from each Parish, and for the Time they have resided there, and to be paid by each Guardian within Seven Days after the same shall be settled. [*See the Form of these Accounts in the latter Part of these Observations.*]

A Penalty is inflicted upon the Guardian for his Default in not attending the Monthly Meeting.

Power for the Guardians, with the Consent of the Lord of the Manor, and the major Part of the Persons having Right of Common, to inclose Part of any Common or Waste for the Purposes of the Act, not exceeding Ten Acres.

Poor Persons are to be admitted by an Order from the Guardian.

None to be admitted but such as are become indigent by old Age, Sickness, or Infirmities, and are unable to acquire a Maintenance by their Labour, except Orphan Children, who shall be sent thither by Order of the Guardian, with the Approbation of the Visitor, and such as shall necessarily go with their Mothers thither for Sustenance.

All Infant Children of tender Years, who, from Accident or Misfortune, shall become chargeable to the Parish, may either be sent to the Poor House, or placed, with the Approbation of the Visitor, with some reputable Person in or near the Parish to which they belong, at a Weekly Allowance, until of sufficient Age to be put into Service or bound Apprentice.

A List of the Names of all such Children is to be delivered to the Visitor, who is to see that they are properly treated, and to remove them when he thinks it necessary.

If the Parent, or any responsible Friend of such Children, shall desire to take them under their own Care, and provide for them, they are to be delivered to them; and no Child under Seven Years of Age to be separated from its Parent, without the Parent's Consent.

All idle or disorderly Persons, able, but unwilling to work, are to be prosecuted by the Guardian or Overseer, and punished in the Manner directed by the 17th Geo. II.

When there are poor Persons able and willing to work, but who cannot get Employment, the Guardians or Overseers are to procure them Employment in any Parish or Place in or near that of their Residence, and to cause them to be properly maintained until such Employment can be found, and during the Time of such Work.

If any poor Person refuses to work, or runs away from his Employment, the Guardian or Overseer is to complain to a Justice of Peace, who may commit him to the House of Correction.

The Guardian of every Parish is to provide Cloathing for the poor Persons sent by him to the Poor House; and in case of Neglect, a Justice of the Peace may order what shall appear necessary, and oblige the Guardian to pay for it.

The Rules, Orders, and Regulations specified in the Schedule are to be observed, and also such Additions as may be made by the Justices of the Limit, if not repealed or altered at the Quarter Sessions.

A Justice of Peace, on Complaint upon Oath, by or on Behalf of any poor Person, that the Guardian or Overseer, on Application, had refused proper Relief, after enquiring into the Circumstances of the Case, may either order him some weekly or other Relief, or direct him to be sent to the Poor House; which Order shall be complied with, or sufficient Cause shewn to the contrary within Two Days; and if any Guardian or Overseer shall, upon Notice of such Order, refuse to obey it, he shall forfeit £. 5.

Every Person receiving weekly Relief shall wear the Badge directed by 8 and 9 W. III. unless directed otherwise by a Justice of Peace, upon Proof of very decent and orderly Behaviour.

If it shall appear to the Justice that the Person making the Complaint, or on whose Behalf it is made, is an idle or disorderly Person, and has not used proper Means to get Employment, he may commit him to the House of Correction; or, if it shall appear to the Justice, that the Husband or Father of such poor Person, who is liable to maintain him, is an idle or disorderly Person, able to work, but by his Neglect of Work, or for Want of seeking Employment, or by spending the Money he earns in Alehouses, or Places of bad Repute, does not maintain his Wife or Infant Child, but suffers them to be reduced to Want, the Justice may, in like Manner, commit such Husband or Father to the House of Correction.

If any poor Person shall be retarded in his Passage by Accident, Sicknes, or bodily Infirmary, in any Parish to which he does

does not belong, the Guardian or Overseer shall provide every Thing necessary for him, and when fit to be removed, take him to a Justice of Peace to be examined, and removed to the Place of his Settlement; and the Guardian or Overseer shall make a Charge of the Expences, which, when allowed and certified by the Justice, shall be paid by the Guardian or Overseer of the Poor of the Parish or Place where the poor Person's Settlement shall be, if it can be found, and shall be in the County, or within the Distance of Thirty Miles. [*It may be proper to add here,—when the Settlement of any such poor Person cannot be found, he shall be maintained, during his Inability to provide for himself, at the Expence of the County, under the Direction of the Justices of Peace at their Quarter Sessions*]—And if any poor Person, circumstanced as aforesaid, shall die before examined, or if any poor Person shall be found dead in any such Parish or Place, the Guardian or Overseer is to cause him to be buried, and to make a Charge of the Expences as aforesaid, which shall, in like Manner, be paid by the Guardian or Overseer of the Parish where such Person was settled, if it can be found, and shall be within the County, or Distance aforesaid. But in case the Settlement of such poor Person cannot be found, or shall be at a greater Distance, then such Expences are to be paid by the Treasurer of the County, and allowed in his Accounts.

Nothing in this Act is to alter or affect the Settlement of any poor Person, or any of the Provisions established in any Act of Parliament for the Management of the Houses of Industry or Work-houses, in any Part of the Kingdom.

Poor Persons embezzling or wilfully wasting any of the Goods or Materials committed to their Care, shall be committed to the House of Correction.

If any Guardian, Overseer, or other Person, shall entice, take away, convey, or remove, any poor Person from one Parish or Place to another, without legal Order, he shall forfeit a Sum not exceeding 20*l.* nor less than 5*l.*

If any Visitor, Guardian, Churchwarden, or Overseer, shall sell or furnish any Materials, Goods, Cloaths, Victuals, or Provisions, or do any Work in his Trade, for the Use of any Poor House for which he shall be so appointed to act, or be concerned in Trade or Interest with any Person who does the same, he shall forfeit a Sum not exceeding 10*l.* nor less than 5*l.*

A Clause for recovering and applying Penalties; another for an Appeal to the Quarter Sessions against any Act done by a Justice of Peace out of Sessions.

Also Forms of the several Proceedings directed by the Act.

Observations.

With respect to Salaries; which have been thought necessary to enforce the Execution of the Act, as they may be objected to; and ought, I think, to be introduced with the greatest Caution, I shall take this Opportunity of submitting my Thoughts upon them.

The Office of Governor must, in its Nature, engross the whole Attention of the Person appointed to it; and as it will be executed by those who cannot be supposed to give their Time and Trouble gratis, they must have a proper Compensation; that will vary according to the Situation of the Country, and the Number of Persons likely to be under his Care. I think in many Country Places, 20*l. per Annum*, with his Habitation and Maintenance, will be sufficient; perhaps, in large Towns, where the Duty may be greater, that Sum may be found too small.

With respect to the Guardian, it is an Office of great Burden and Trust, and although in many single Parishes or Townships it will not require the whole Time and Attention of the Person appointed, yet it will take a considerable Part of it, if executed as it ought; and the Parish is much interested in placing it in good Hands.—I think, upon a Medium of such Parishes and Places, 10*l. a Year* will be a proper Allowance; in some less, and in others more; but none should, in my Opinion, exceed 20*l.*

With regard to the Office of Treasurer; it is proposed, that for United Parishes, One of the Guardians should be appointed, who will have a Salary as Guardian, and a small Addition, will, I apprehend, be sufficient; the Act directs it to be fixed by the Visitor, who will be a proper Judge, and that it shall not exceed 10*l. a Year*. In Parishes which are not united, that Expence will be saved, as the Guardian must keep the Account.

It is to be observed, that these Salaries to the Governor and Guardian are to be fixed by the Parishioners at the Meeting; who, it may be expected, will not be too lavish of their own Money, and yet will allow what they think will make it worth the Acceptance of a Person properly qualified for the Office; if they should fix it too high, the Justices have a controuling Power, as the Act requires their Approbation.

With respect to the Office of Visitor, I wish to see that placed in most respectable Persons; and as they have a Power to appoint an Assistant, I hope no Gentleman of Fortune, in or near any Parish or Place, will refuse it, if he shall be recommended at the Meeting, and appointed to it; as he must see that the happy Effects of this Act depend, in a great Measure, upon it. His Attendance and Influence will keep the subordinate Officers

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in due Order ; and, by his Weight and Authority, he will suppress any Discontents or Animositities, should they arise between the Poor and those Officers.

In Parts of the Country where such Gentlemen cannot be found, it is hoped the Parishoners, at their Meetings, will think of some respectable Clergyman, in the Neighbourhood, who will, I doubt not, be happy in such an Opportunity of exercising those Principles of Humanity and Benevolence, which many, in that Class of Life, possess in an eminent Degree.

In those Clauses where the Parish Officers are described, as *Guardians* or *Overseers*, it is intended to comprehend such Parishes and Townships as do not adopt the Provisions of the Act, as well as those which shall ; but it is hoped there will not be many, of any Degree of Consequence, which will not ; as they will find many very salutary Provisions and Regulations, extremely useful to them, whether they have or have not a Work-house, if they shall chuse to continue detached from any others, the Whole of this Act being perfectly optional in that Respect.

There are many large Parishes, particularly in *Lancashire* and *Cheshire*, which consist of many Townships, and maintain their Poor separately from each other : Those may either continue separated, or unite with each other, or with any adjacent Parish or Place willing to receive them, as they may think fit.

There are also, in many Parts of the Kingdom, extra-parochial Places, which are not at all affected by this Bill with regard to any Compulsion ; but as the Word *Places* is inserted, as well as Parishes and Townships, if any such have a Number of Poor (as I believe many of them have), they may also avail themselves of the Act, either by establishing Work-houses there, or uniting with any other Parish or Township, lying near, and willing to receive them.

As the Act now stands, it is to be adopted with the Approbation of the *major Part* of Owners or Occupiers, &c. ; but I intend to submit it to the Committee, whether there ought not to be a Concurrence of Two-thirds at least.

By the Intimations which have been given from many Parts of the Kingdom, this Bill is likely to be very well received ; and as it will be immediately adopted in many Parishes, it is not doubted but it will soon become very general, when the good Effects of it shall be known by Experience.

The Object to be attained is very great, considering the present Distresses and Expences attending the Poor ; and there seems to be little or no Risk or Hazard in the Experiment, by making Use of present Work-houses, or hiring other Buildings.

If any Defects shall appear in the Act, after it has had the full Consideration of both Houses of Parliament, they may be corrected and amended in any subsequent Sessions.

Observations upon the Vagrant Bill, with a short Abstract of the several Clauses and Provisions which it contains.

THIS Bill is calculated to prevent Idle and Disorderly Persons, Rogues, and Vagabonds, from travelling about unmolested through the different Parts of the Kingdom, without proper Licence or Employment, committing many Acts of Rapine and Violence; and also to prevent Common Beggars from infesting the Streets and Highways, to the great Terror and Annoyance of his Majesty's Subjects, and the Disturbance of the Public Peace,—by apprehending and punishing such Offenders.

As much will depend upon the Ability and Vigilance of Constables, and other Peace Officers, in the Execution of this Act, it directs, That in every Parish, Town, or Hamlet, for which a Constable or Headborough hath been usually appointed, the major Part of the Owners or Occupiers of Lands, &c. which shall be assessed after the Rate of Five Pounds *per Annum* to the Relief of the Poor, shall, at a Public Meeting, on the *Munday* next preceding *Michaelmas* Day in every Year, after giving Eight Days Notice thereof, recommend to the Steward of the Court Leet, where any shall be holden, or to the Justices of the Limit, where no such Court is holden, Three able, substantial, and reputable Persons, qualified for the Office; and fix a Salary for him to be approved by the Steward or Justices, to be paid out of the Poor's Rates, to such Person as shall be appointed and sworn in; and if such Person should not prove to be of sufficient Ability, or should be guilty of Misbehaviour, another Person is to be recommended and appointed in like Manner to succeed him. [*It seems necessary that the same Provision should be made in case of Death.*]

This not to extend to Constables or Headboroughs within any City, Borough, or Town Corporate; nor to prevent the Stewards or Justices to appoint more than One, where more have been usually appointed, or shall be found necessary.

[*If those assembled at such Meeting shall think fit to recommend the Person who is Guardian of the Poor for that Parish or Township as a fit Person to serve the Office of Constable also, the Steward or Justices may appoint him, and, by that Means, prevent an additional Officer, and an Increase of Expence.*]

The Justices are required, once in every Quarter, to issue their Warrant to the particular Constable so recommended and appointed, instead of the High Constable; and to add some re-

putable and substantial Inhabitant in such Warrant who shall be willing to act as a special Constable to assist in the Execution thereof, and shall direct the Time when it is to be executed, and shall meet the Day following, at some convenient Place, in order to examine the Persons apprehended, and to proceed in the Execution of the Act. And the Justices may, if they think fit, continue the Warrant in the Hands of the Constable, till the Time of issuing their next Warrant; but no such Constable shall execute such Warrant after the General Privy Searches, except in the Presence of One of the special Constables.

The Justices are to take the Examinations of the Persons so apprehended, and the Evidence for and against them, upon Oath, and proceed as directed by 17th George II., except where altered by this Act. They shall cause such Informations and Examinations as affect any Persons whom they have Reason to suspect to have run away from their Wives or Children, or to have deserted from the Service as Soldiers or Mariners, or to have been guilty of any Felony, Robbery, or other atrocious Crime, to be printed, and transmitted by the First Post, together with the best Description they can collect, of the Size, Complexion, and Age, of every Person so suspected, to such Public Offices in *London, Westminster*, or other Parts of the Kingdom, as shall be directed by the Principal Secretary of State, the Commissioners of the Admiralty, or the Secretary at War, and notified by them to the Clerk of the Peace of every County, &c. who is directed, after he shall have received such Notice, forthwith to communicate it to every Justice of the Peace within the same.

The Reward of 10s. directed by the said Act, to be paid to the Constable for apprehending every such Person, is to be distributed amongst the Constables and Persons employed to assist them upon that Occasion, in such Proportions as the Justices shall direct;—and the Justices, at their Quarter Sessions, may order an Addition to be made to it, not exceeding 2s. 6d. for every Person whose Examination shall be so taken, which shall be paid to the Justice's Clerks, for their Trouble and Expence on that Occasion.

The Justices are to provide in every Market Town, and in such other Towns and Places as they shall judge proper, a Building called a Cage or Lock-up House, for the Reception and safe Custody of Offenders, until they can be conveyed to a Magistrate, in order to be examined and punished as the Law directs;—and the Expences of Building, Renting, or Hiring such House, after being examined and allowed by Two Justices of the Peace, shall be paid by the Treasurer of the County; and the Constable of every such Town shall have the Care and Management of such House, and of the Persons confined therein, who shall take them before a Justice of Peace to be examined and

and proceeded against as the Law directs, within the Space of Twenty-four Hours, and shall provide necessary Food and Sustainance for them, and make a Charge thereof; which, when allowed by the Justices at their Quarter Sessions, shall be likewise paid by the Treasurer of the County, &c.

If any Constable, Headborough, Watchman, Beadle, or other Peace Officer, shall see any Person begging or asking Alms, from Door to Door, or in any Street or Highway, or any Person described by this or the said recited Act, as a Rogue or Vagabond, he is to apprehend him and take him before a Justice of the Peace, if any shall reside near the Place; if not, to One of the said Houses, to be confined till he can be conveyed to some Justice of the Peace, to be examined and punished as aforesaid; and if any other Person shall see any such Beggar so offending, he may apprehend and convey him to the Constable, or inform the Constable thereof, who shall forthwith take and convey him to a Justice of Peace, or to the said House, to be proceeded against within the Time aforesaid: And every Person who apprehended, or can give Information against such Person, is required to attend the Justice, who, if he shall find the Complaint to be true, shall convict the Offender, and commit him to the House of Correction, for a Time not exceeding Two Months, nor less than One; and the Constable shall receive Five Shillings for every Person so apprehended and convicted.

In order to render these Provisions more effectual, the Justices shall cause to be fixed at such Toll Gates, on Turnpike Roads, and at such conspicuous Places, on public Roads and Highways, and other Places, as they shall think most proper, painted on a Board, the Name and Place of Abode of the Constable, or other Peace Officer of the Place where such Notice shall be fixed, and order the Expences thereof to be paid by the Treasurer of the County, &c.; and Persons defacing or pulling down any such Notices, are to forfeit a Sum not exceeding 40s. nor less than 10s.

Every Constable, or other Peace Officer, is to forfeit a Sum not exceeding 5 l. nor less than 10 s. for every Neglect of his Duty.

Every such Beggar shall, upon Conviction for a Second Offence, be committed to the House of Correction for a Time not less than Two, nor more than Four Months; and every Male Person, for every Third Offence of the like Sort, is to be committed to the House of Correction till the next Quarter Sessions, when, upon Proof of the several Convictions, he may be sent to some Garrison, Fort, or Place in any of his Majesty's Dominions, to be employed as a Soldier, Seamen, Mariner, or in such other Manner in which he can, in the Judgment of the presiding

Officer

Officer there, be most serviceable, during his Majesty's Pleasure; or may be sent to the House of Correction for any Time not exceeding Twelve, nor less than Six Months; and if any Person, incapable of doing Service in such Garrison, Fort, or Place, shall be convicted of such Third Offence, he shall be committed to the House of Correction for the Time aforesaid; and every Conviction for Begging shall be entered by the Justice's Clerk, in a Book to be kept for that Purpose, with a Description of the Size, Complexion, and Age of the Person so convicted, who shall deliver a Copy thereof to the Clerk of the Peace at every *Michaelmas* Quarter Sessions, or shall forfeit Forty Shillings for every Neglect, and he shall receive from the Treasurer of the County, One Shilling for every Conviction.

If it shall appear to the Justices before whom any Person so to be apprehended by the Justice's Warrant, or for begging, upon Examination and Inspection of such Person, that he is afflicted with Sickness, or bodily Infirmary, without the Means of Subsistence, or of proceeding to the Place of his Settlement, or shall prove to such Justice any favourable Circumstances to shew that he is not a wilful Offender, every such Justice shall, instead of committing him to the House of Correction, order him to be conveyed by Pass to the Place of his Settlement, if it can be found; and he shall be in a State of Health fit to be removed; if not, as soon as he can safely be removed thither, and the Justice is to order the Overseer of the Poor of the Place where such Person was apprehended, to provide all Necessaries for him; and if his Settlement shall be within the County where he was apprehended, the Expences shall be paid by the Overseer of the Parish where he is settled; but if his Settlement cannot be discovered, or shall appear to be in any other County, the Expences shall be paid by the Treasurer of the County where he was apprehended, out of the Bounty or Public Money.

After the 29th Day of *September* 1782, no Person shall be conveyed by Pass from One Place to another, but such as are Rogues and Vagabonds within the Description and Meaning of the said Act and this Act; and no Woman or Person under Seven Years of Age, or any Person afflicted with severe Sickness or Infirmary of Body, who shall be apprehended as a Rogue or Vagabond, shall be whipped before conveyed by Pass.

Every Rogue and Vagabond who shall be able to work, is to be committed to the House of Correction for any Time not exceeding Two, nor less than One Month, before he shall be conveyed by Pass, except in Cases herein excepted; and every Parish Officer, or other Person, who shall convey or cause to be conveyed, any Person by Pass, contrary to the Meaning of this Act, or who shall be advising, aiding, or assisting therein, or shall use any Means to induce a poor Person to commit an Act

of Vagrancy, shall forfeit a Sum not exceeding £. 5, nor less than 40 s.

The Justices of Peace who shall hereafter remove any Person as a Rogue and Vagabond, by Pass to the Place of his Settlement, if it shall be in the County, Riding, &c. where he was apprehended, or any County, Riding, &c. which shall adjoin thereto, he shall send him by the Constable to the Parish or Place where he is settled; but if his Settlement shall be in a remote County, he shall be sent from One County, Riding, Division, Corporation, or Franchise, in the Form and Manner, directed by the said Act.

For the Benefit of Persons travelling from Home to seek Labour and Employment, the Minister, and One of the Churchwardens, or Overseers of the Poor of the Parish or Township to which any such Person belongs, with the Consent and Approbation of a Justice of the Peace, are required to give a Testimonial to any such Labourer, or Person applying for the same, specifying his Name, Occupation, and Place of Settlement; which Person obtaining such Testimonial, shall be permitted, without Interruption, to travel to the Place or Places therein described, not exceeding the Distance to be ascertained and allowed in such Testimonial, and to return from the same within the Time to be therein limited, not exceeding Six Months. And if any Person obtaining such Testimonial shall exceed the Bounds, or stay beyond the Time prescribed, he shall, upon Complaint and Conviction before a Justice of the Peace be deemed a Rogue and Vagabond, and be apprehended, convicted and punished as such, unless it shall appear to the Justice that there was sufficient Cause for such Delay or Deviation, in which Case, instead of inflicting the Punishment directed by the Acts, he shall convey him by Pass to the Place from whence such Testimonial was given.

These Testimonials are only to be considered as temporary Permissions for Persons to reside out of their own Parishes, in order to procure Employment and Subsistence, but not to affect their Settlements.

When poor Persons shall come from *Scotland or Ireland*, in order to work at Harvest, or other Business, they may, before they proceed from the First Parish, or Place at which they arrive in *England*, take from the Minister, and one of the Churchwardens or Overseers of such Parish or Place, a Testimonial of the like Import beforementioned, describing their Occupations, and Places of Settlement or Residence in *Scotland or Ireland*, and also the Places or Parts of the Country in which they desire to travel, for the Purpose of pursuing their Occupations, limiting the Time of their Return; which Testimonials the Ministers, &c. are required to grant, and the Parish Officers are to enter the same in a Book to be kept for that Purpose; and every Person obtaining such Testimonial, shall be permitted without Interrup-

tion, to travel to and from the Places therein described, within the Time they limit; but if he exceed the Bounds, or continue beyond the Time, he shall, on Complaint before a Justice of the Peace, if convicted, be punished as a Rogue and Vagabond, unless it shall appear to such Justice that there was sufficient Cause for such Delay or Deviation, in which Case he shall be removed by Pass as aforesaid.

All Passes, Testimonials, Certificates, or Permits, signed by any Magistrate, or other Person, importing a Licence for the Bearer thereof, to beg, or ask Charity, under Pretence of any Loss or Misfortune, except under Briefs by Letters Patent, are declared illegal; and every Magistrate or Person signing the same, from and after *Michaelmas* 1782, shall forfeit Ten Pounds, one Moiety thereof to the Informer, and the other to the Treasurer of the County, Riding, &c. where the Offence was committed; and the Persons begging or asking Charity under the same are declared Rogues and Vagabonds.

The Penalties, Forfeitures, and Punishments, inflicted by the said Act, of the 17th George II., against Persons for obstructing the Execution of that Act, or for receiving any Offender, or for counterfeiting or altering Certificates, or for becoming incorrigible Rogues, shall be extended, in all Respects, to the like Offenders under this Act; and also to all Persons counterfeiting, altering, or obliterating any Testimonial hereby directed to be given, as well as Certificates under that Act, and shall be recovered and applied in the Manner thereby directed. If any Person shall knowingly permit or suffer any Rogue, Vagabond, or incorrigible Rogue, within the Meaning of this or the said Act, to lodge or take shelter in his House, Barn, or Building, and shall not apprehend and carry him before a Justice of the Peace, or give Notice to some Constable or Peace-officer so to do, he shall, on Conviction, forfeit a Sum, not exceeding Five Pounds nor less than Fifty Shillings; and in case the Person so convicted shall keep a Public House, licensed for selling Wine, Ale, or other Liquor, he shall, for every such Offence, forfeit his Licence, and be incapable of following such Business, or having his Licence renewed within the Year next ensuing.

All Penalties and Forfeitures, where not otherwise directed, are to be levied in a summary Way before a Justice of Peace; and, when recovered, shall be paid, where not otherwise directed, one Moiety to the Informer, and the other to the Treasurer of the County, Riding, &c. to be applied in discharging the Expences to be paid by him under this Act.

The Person aggrieved by any Act of a Justice of Peace out of Sessions, may appeal to the next General Quarter Sessions of the County, &c. giving Eight Days Notice to the Party against whom the Complaint shall be made, and giving Security, by Recognizance, to pay the Costs, if the Matter should

be determined against him; and the Justices at the Quarter Sessions are to hear and determine such Appeal, and award Costs for or against the Appellant, as they shall see just; which Determination shall be final.

Forms of the several Proceedings are added in a Schedule to the Act.

Observations.

It is well known that the great Question, relative to the Removal of Paupers, has been the Source of vexatious and expensive Litigations between Parishes, and that the Endeavours hitherto used to alleviate these Grievances, have as yet produced no effectual Remedy; it is hoped, however, that this Vagrant Act will very much contribute to that End.

There will be great Difficulty in digesting that Mater properly, as Things are now circumstanced. If every Inhabitant of a Parish was to be declared irremovable till he becomes actually chargeable, it might encourage many idle and disorderly Persons, who make a practice of strolling about the Country, as itinerant Thieves, to intrude themselves unmolested, which would greatly alarm and disturb Parishes, already much oppressed by Persons of that Description.

If such an Act was to pass, there ought to be many Restrictions to prevent improper Persons from intruding, and also from acquiring Settlements, or deriving them to others as their Servants or Apprentices; but such Restrictions cannot be effectually provided and effected without altering many other Acts, and introducing Confusion in the System of the Poor Laws, which have already suffered too much by temporary Expedients, without sufficiently considering in what Manner they would operate upon other Laws.

If this Vagrant Act should pass, and be duly enforced, it is apprehended those Difficulties and Jealousies will be, in a great Measure, avoided, as it is calculated to punish and remove that Class of People, wherever they shall be found. If it should have that happy Effect, the only Persons from whom any Inconvenience of that sort can arise will be the industrious Labourers, who go from Place to Place to exercise their Occupations, which they may do, to great Advantage, and with great Security, both to himself and the Parishes where their Labour shall be employed, under the Testimonials directed by this Act.

When the happy Effects of this new Act shall have been discovered, I apprehend there will be no Difficulty in framing a short Bill (if any shall be thought necessary) to prevent these industrious Labourers from being removed, until they become actually chargeable; but my Opinion is, that the Justices have already a discretionary Power in that Respect; and I have constantly refused to grant Orders

for removing Persons of that Description, *until they have been chargeable.*

Some of the Provisions in this Vagrant Act may seem harsh and severe, but they are not new—the Description of Rogues, Vagabonds, and Beggars, and the Punishment inflicted upon them, is in most Respects conformable to the Statute of the 17th Geo. II. which still continues in Force, where not varied by this Act.—It facilitates the Means of discovering the Offenders, and in many Respects mitigates the Punishment: The great Objects of it are of the utmost Importance to the future Peace, Order, and Security of the State, and the Well-being of this Country; but cannot be attained without some Degree of Severity, which, it is not doubted, in the End will be found wholesome and salutary, even to the Individuals who may at first suffer by it.

When these Bills are passed, I wish to sit down with other Gentlemen of the learned Profession, who shall be disposed to contribute their Assistance, to revise the whole Body of the Poor Laws now existing, and to reduce what shall be found necessary to be continued, into One Act, and repeal all the rest: I do not think this will be a very arduous Work.

Mode of adjusting the First Account mentioned in the Act respecting Utensils, Materials, Furniture, Rent, &c.

LET it be supposed that the Parishes or Townships of A. B. C. and D. have agreed to be united under the Authority of the Act, and that E. and F. are the Persons named in the Agreement, as Arbitrators or Referees to settle and adjust the Proportions which each Parish or Place is to pay.

It will be necessary for E. and F. at their first Meeting, to call upon the Officers of every such Parish, Township, or Place, for their Assessments and Accounts, in order to see what they have paid to their Poor, on a Medium of Three Years preceding the Agreement; for which Purpose a Clause may be inserted in the Act, to oblige them to produce 'em, under a Penalty for Refusal.

When the Arbitrators have got these Materials, it will be necessary to separate and deduct every Matter which does not relate to the Poor; for Instance, Money paid to the County Rates, or for the Expences of the Constable, Headborough, or Milnia,

Militia, which are all now included in the Poor's Rates :—And as some of these Parishes may have had Expences occasioned by Litigations about Settlements and Removals, and others may not, I think it will be proper to exclude all such Expences in the Account, and for that Purpose a few Words may be added in the new Clause before mentioned.

When the Accounts have been so inspected and examined, and the proper Deductions made, I will suppose it to appear,

That <i>A</i> has paid for the 1st of the Three Years,	£. 65	7	6
For the 2d Year,	-	87	2 0
For the 3d Year,	-	105	0 0
Making together,	257	9	6

A third Part of which Sum being <i>A</i> 's Medium, will be,	-	85	16 6
Let <i>B</i> 's Payments be calculated in the same Manner, which I will suppose to amount, on the Medium of the Three Years, to	-	110	0 0
<i>C</i> 's Do.—to	-	97	0 0
<i>D</i> 's Do.—to	-	140	0 0

The total Amount of the annual Payments will be 432 16 6

Suppose the Month's Expences paid by the several Parishes, under the above Heads, according to the Direction of the Act, shall amount to 300l. the Question will be, If 432l. 16s. 6d. the total Medium of all the Parishes, requires 300l. what will 85l. 16s. 6d. require?—When that shall be worked by the Rule of Three, multiplying the third Number by the second, and dividing it, when so multiplied, by the first, the Answer will be, that *A*'s Proportion amounts to

<i>B</i> 's Proportion, when worked in the same Manner, will be,	-	59	9 5
<i>C</i> 's Do.	-	76	5 0
<i>D</i> 's Do.	-	67	4 7
	-	97	1 0

Making together the whole Sum expended, 300 0 0

When those Medium Sums shall be settled and proportioned at their First Meeting, there will be no Occasion to repeat that Trouble afterwards, as the First Sum will be the same on all future Calculations, and to prevent Trouble in adjusting the Proportions at every Monthly Meeting ; I would propose that, at every Poor

House, soon after the First Medium Proportions, shall be so ascertained, there shall be a Table fixed up, calculating the Proportion of each Parish, Township or Place, to any given Sum, from the smallest to the greatest that is likely to be expended in that District within the Month, which will make every Account clear, and easy to the meanest Understanding, and will be liquidated in an Instant.

Mode of adjusting the Second Account mentioned in the Act respecting the Victuals, Beer, Firing, and other Necessaries.

AS soon as the Agreement is made for Uniting several Parishes, &c. I think the Guardians should meet, and consider what will be a proper Weekly Sum to be paid into the Hands of the Treasurer for every Person admitted into the Poor House, estimating it, as near as they can, to the probable Expence of maintaining them;—that the Guardians shall pay to the Treasurer, at every Monthly Meeting, what shall be due for every such Person upon that Calculation, for the Time he has been kept there in the Month preceding; and in order to avoid Fractions, if any Person shall have been there four Days or more, in any of the Weeks, it shall be considered as a full Week, and if less than Four Days, no Charge shall be made for it;—that, in order to avoid Difficulties in adjusting the Account, a Table shall be provided, in like Manner as before, and fixed up in the House, with proper Columns for the Number of Persons, the Number of Weeks, and the total Amount, according to the Weekly Sum so agreed upon, by which that Account will likewise be settled, without the least Trouble or Difficulty.

The several Monthly Sums paid for each Parish on this Second Account, and also the gross Sums should be entered in the Treasurer's Book; and at the End of the Year, it should be computed whether the Payments, by the several Parishes, have amounted to more or less than the Sum expended; if to more, the Guardian of each Parish should receive,—if to less, he should pay his Proportion thereof to the Treasurer, to be computed according to the First Account.

Mode proposed for conducting the Meeting.

In order to prevent Trouble and Confusion at the Public Meeting for adapting the Provisions of the Act, Directions may be given therein, by Five or more substantial Persons, having a Right to vote at such Meeting, to sign the Notice thereof directed by the Act; and that those Persons shall, previous to the Meeting, examine and inspect the Poor's Rates for every such Parish, &c. and make out a List, in Concurrence with other Principal Inhabitants, of the several Persons who shall appear to them to have a Right to vote, according to the Directions of the Act, and shall produce the said List at such Meeting.

That the First Business of the Meeting shall be to elect a Chairman to preside, and some proper Person to take the Votes, and also Two Persons as Referees, to determine any Doubts which may arise touching the Qualification of any Voter. Which Referees, with the Chairman, shall immediately retire, if the Majority shall appear doubtful, and shall, after hearing and considering the Evidence to be offered, determine the same, and make their Report thereof to the Persons so assembled; and if the Referees shall differ in Opinion, the Chairman shall decide.

Having been of late much engaged in other Business, I have not had leisure to digest this Matter so fully as I could wish; but, as I am willing to give what Light and Information I can, upon so interesting a Subject, in its present Situation, I hope the candid Reader will excuse the Imperfections.

T. GILBERT.



F I N I S.